

Polit Pamphlet 127.

THE
PROCEEDINGS
OF A
COURT MARTIAL,

APPOINTED TO

Enquire into the Conduct

OF A CERTAIN

GREAT MAN.

TOGETHER WITH

Their remarkable Sentence.

Inscribed to the President of the said
COURT.

Nullo negabimus aut, differemus Justitiam.

MAGNA CHARTA,

LONDON:

Printed and Sold by STEPHEN HALL, in PATER-
NOSTER ROW. 1759.

[Price ONE SHILLING.]

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A C C O U N T

O F T H E

P R O C E E D I N G S

O F A

C O U R T M A R T I A L, &c.

P R E S E N T,

General Faintheart,
Colonel Dastard,

||

Colonel Whiteliver,
Colonel Lightfoot.

C A P T A I N S,

Charles Fribble,
William Startle,
John Fearful,
William Shrink-back.

||

Francis Flinch,
John Trembler,
James Dreadfoe, and the
Hon. Gustavus Coward.

L O R D G----- being brought in,
and the audience admitted, the
order for his trial was read, as also
his letters, and several other papers,
A which

which it might be necessary to refer to in the trial; and then was read a paper, delivered by him to General Faint-heart; the president desiring leave to have a person to take minutes of the proceedings in short-hand, and also that he might have Colonel F-tz--y to assist him in regulating his minutes, the former of which was granted, but the latter could not, because Colonel F-tz--y was to be examined as a witness, by the president. The court then adjourned till next morning nine o'clock, when the examination of the witnesses began.

COLONEL F-TZ--Y was the first who was called upon to give evidence, which he did in the following manner:

His

His Serene Highness, upon a report made to him by the Duke of Richmond of the situation of the enemy, sent Captain Ligonier and myself, with orders for the British cavalry to advance.

Quest. Where was his Serene Highness when he gave these orders.

Answ. One or two brigades beyond the English infantry, to the left.

THE witness being desired to proceed, continued as follows:

UPON my arrival on the right of the cavalry, I found Captain Ligonier with his Lordship. I, notwithstanding, de-

A 2

clared

clared his Serene Highness's orders to him, upon which he desired me not to be in a hurry. I made answer, that galloping had put me out of breath, which made me speak very quick. I then repeated the orders for the British cavalry to advance towards the left, and at the same time, mentioning the circumstance that occasioned the orders, added, that it was a glorious opportunity for the English to distinguish themselves, and that his Lordship by leading them, would gain immortal honour,

HIS Lordship still expressed his surprise at the order, saying, it was impossible the Duke could mean to break the line.

Quest.

Quest. Did his Lordship in making this objection, discover any symptoms of fear, or shew a reluctance to fight?

Answ. He appeared to be under some disorder, which, he seemed to take pains to conceal.

THE witness being desired by the court to proceed, continued in the following manner;

I told his Lordship, that I delivered him the orders of his Serene Highness, word for word, as he gave them. Upon which, he asked which way the cavalry was to march, and who was to be their guide.

Quest.

Quest. Did he ask this with any sort of trepidation ?

Answ. His voice falter'd as he spoke ?

Quest. What answer did you make him, when he asked you who was to guide the cavalry ?

Answ. I told him, that I would myself lead them towards the left, round the little wood on their left as they were then drawn up, where they might be little exposed to the enemies cannonade. His Lordship continued to think my orders neither clear, nor exactly delivered ; and expressing his desire to see Prince Ferdinand, ordered me to conduct him to him, which
order

order I was obeying, when we met his Serene Highness. During this time, I did not see the cavalry advance. Captain Smith, one of his Lordship's Aide-camps, once or twice made me repeat the orders I had before delivered to his Lordship, and, I hope he will do me the justice to say they were clear and exact. He went up to his Lordship, whilst we were going to find the Duke.

Quest. What do you apprehend to have been his motive for going to his Lordship at that time?

Answ. I apprehend his intention was to urge to his Lordship the clearness of my orders, and the necessity of
their

their being obeyed. I heard his Lordship give him some orders.

Quest. What was the purport of these orders?

Answ. That I cannot say.

Quest. Did you not hear these orders?

Answ. I perceived by his Lordship's speaking to Captain Smith, that he was giving him some orders, but I cannot say what they were.

Quest. What did Captain Smith do in consequence of these orders?

Answ.

Answ. He immediately rode back towards the cavalry.

Quest. What did you do upon joining the Duke?

Answ. I repeated to him the orders which I had delivered to his Lordship, and appealed to his Serene Highness to know whether they were the same he had honoured me with.

Quest. What was his Highness's answer?

Answ. I had the satisfaction to hear him declare they were very exact. His Serene Highness then asked me where the cavalry was, to which, I answered that Lord G----- did not understand
B the

the order, but was coming to speak to his Serene Highness.

Quest. Did Prince Ferdinand seem satisfied with Lord G-----'s behaviour upon this occasion?

Answ. By no means, he expressed great surprize thereat.

Quest. What do you apprehend to have been his Lordship's reason, for questioning your orders so much?

Answ. They were sufficiently clear, as his Lordship's Aid de camp declared, and I cannot conceive what other motive he could have had for these demurs, except Fear.

CAPTAIN

CAPTAIN SMITH was then called upon by the court, who gave the following evidence :

WHAT I have to say with regard to the orders Colonel F-tz--y brought, and to their not being put in execution, is,---I heard Lord G---- S----- say, on his receiving them, as they differed from those he had just before received by Captain L-----r, he would speak to the Prince himself, and accordingly put his horse on a gallop to go to him. I immediately went up to Colonel F-tz--y, and made him repeat the orders to me twice.

Quest. What was your motive for taking this step ?

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Answ.

Ans^r. I thought it so clear and positive for the British cavalry only to advance, where he should lead, that I took the liberty to say to his Lordship, I did think they were so; and offered to go and fetch them, while he went to the Prince, that no time might be lost.

Quest. His Lordship having put his horse to the gallop in order to go to the Prince, how could you find time to expostulate with him in this manner?

Ans^r. His Lordship's horse seemed to be a little restive, he spurr'd him and spurr'd him, but all to no purpose.

Quest.

Quest. When you urged to his Lordship that Prince Ferdinand's orders were clear, for the British cavalry only to advance, what was his answer?

Answ. His answer was, that he had also an order from the Prince, by Mr. L-g---r, for the whole wing to come away, and he thought it impossible the Prince should mean that. I replied, that if he would allow me to fetch the British cavalry, which were but a part, supposing it was wrong, they could soon remedy the fault. He said, then do it as fast as you can.

Quest. Did he say this with any sort of hesitation?

Answ.

Answ. He said it in a manner that shewed he was desirous to retard it as much as possible.

Quest. How did you act in consequence?

Answ. I went as fast as my horse could carry me, to General M-st-n,--- he knows the rest.

HERE the court desired the witness to explain himself, What would you be understood to mean, when you say that General M-st-n knew the rest?

Answ. I can recollect no more of what passed. This was spoke as we galloped, and could not be long about, as I have been on the ground since,
and

and do not believe, when his Lordship sent me back, I had above six hundred yards to go to General M-ft-n.

THESE witnesses being examined, Lord G----- delivered in his defence, which was as follows :

HIS Serene Highness has been pleased to judge, condemn, and censure me, without hearing me, in the most cruel and unprecedented manner ; as he never asked me a single question, in explanation of any thing he might disapprove : and, as he must have formed his opinion, upon the report of others, it was still harder he would not give me an opportunity of first speaking to him upon the subject ; but hard blows are sometimes

sometimes unexpectedly given in more trifling matters. If any body has a right to say I hesitated in obeying orders, it is Colonel F-tz--y. I will relate what I know of that, and appeal to him for the truth of it. When Colonel F-tz--y brought me orders to advance with the British cavalry, I was very near the village of Halen, I think it is called, I mean that place which the Saxons burnt. I was there advanced, by Mr. Malhorte's order, and no further, when Colonel F-tz-y came to me. L-g----r followed almost instantly; he said, the whole cavalry was to advance. I was puzzled what to do, and entreated Colonel F-tz-y to carry me to the Duke, that I might ask an explanation of his orders. But, that no time might be lost, I sent S---h
to

to bring on the British cavalry, as they had a wood before they could advance, as directed by Colonel F-tz--y ; and I reckoned, by the time I had seen his Serene Highness, I should find them forming behind the wood. This proceeding of mine, might possibly have been wrong, but I am sure the service did not suffer, as there was no delay occasioned by it. The Duke then ordered me to leave some squadrons upon the right, which I did, and to advance the rest to support the infantry. This I declare I did, as fast as I imagined it was right of the cavalry to march in a line. I once halted by Lord G--n--y, to compleat my forming the whole. Upon his advancing the left before the right, I again sent to him to stop. He

C

said,

faid, as the Prince had ordered us to advance, he thought we should move forward. I then let him proceed at the rate he liked, and kept my right up with him as regularly as I could, till we got to the rear of the infantry, and our batteries. We both halted together, and afterwards received no order, till that which was brought by Colonel W-b and the Duke of R---d, to extend in one line towards the morafs. It was accordingly executed, and then, instead of finding the enemies cavalry charge, as I expected, the battle was declared to be gained, and we were told to difmount our men.

THIS is all I know of the matter, and I was never fo furprized, as when I heard that the Prince was diffatisfied
that

that the cavalry did not move sooner up to the infantry.

IT is not my business to ask what the disposition originally was, or to find fault with any thing.

ALL I insist upon, is, that I obeyed the orders I received, as punctually as I was able; and if it was to do over again, I do not think I could execute them ten minutes sooner than I did, now I know the ground and what was expected; but, indeed we were above an hour too late, if it was the Duke's intention to make the cavalry pass before our infantry and artillery, and charge the enemy's line.----I cannot think that was his meaning, as all the

orders ran to sustain our infantry.----
And it appears that both Lord G--n-y
and I, understood we were at our posts,
by our halting when we got to the rear
of our foot.

WHAT has been said, will, I hope,
convince the court of my innocence.
This, however, I can safely say, that
I am conscious of having done the best
that was in my power.

G----- S-----e,

L--- G----- having delivered in his
defence in writing, it was read, and
Captain S--th was re-examined.

It appeared hereupon, that the evi-
dence of Captain S--th, contradicted
L--d

L--d G----'s defence in one very material point. His Lordship had asserted, that to prevent loss of time, he sent S--th with orders to bring on the British cavalry, as they had a wood before they could advance, according to the Duke's directions ; whereas Captain S--th declared, that he himself offered to go and fetch the cavalry, least any time should be lost while L---d G--- went to the Prince.

CAPTAIN S---TH's second examination being over, the court began to read the evidence, as also the prisoner's defence ; the court was then shut up for two days, during which time the following resolutions were agreed to, viz,

I. UNANI-

I. UNANIMOUSLY. It appears that much unnecessary delay was made by L--d G----, when orders were brought him to advance.

II. UNANIMOUSLY. It does not appear that the orders given, were either so inconsistent or contradictory, as to make it necessary for L--d G---- to go to the Duke in order to ask an explanation, as the time that would be lost thereby, must defeat the end of both orders.

III. UNANIMOUSLY. It appears that the evidence given by Captain S--th, contradicts L--d G----'s defence; and it does not appear that his Lordship's

Lordship's Aid de camp, could have any reason to misrepresent his behaviour.

IV. UNANIMOUSLY. The court are of opinion, that the reiterated delays of L--d G---- proceeded from cowardice, and that he consequently falls under the article of war, which makes cowardice punishable with death. And as that article positively prescribes death, without any alternative left to the discretion of the court, under any variation of circumstances, the said L--d G---- is adjudged to be shot to death, at such time as his Majesty shall direct. But the court do unanimously think it their duty, most earnestly to recommend him as an object of mercy, since his misconduct does not appear to proceed from disaffection, but from
a con-

a constitutional defect, which it was not possible for him to remedy.

THEN the sentence being drawn up and signed, was as follows:

THE court, pursuant to an order from ----, to General Faintheart, dated ---- of September 1759, proceeded to enquire into the conduct of the Honourable G---- S-----, commonly called L--d G---- S-----, Lieutenant General of His Majesty's Forces in Germany, and to try him upon a charge, that during an engagement between the Allied army, and the army of the French King, on the 2d of August, he did delay, and defer to obey, the orders given him by the Generalissimo, to advance against the enemy

as

as his duty required of him, and did not do his utmost to destroy the forces of the French King, which he should have engaged; and to assist such of his Majesty's forces as were engaged in fight with the French, which it was his duty to have assisted, and for that he, did not obey the orders sent him by Prince Ferdinand, but, by his demurs and delays, prevented the victory from being as compleat as it would otherwise have been, had he engaged.

HAVING heard the evidence, and the prisoner's defence, and very maturely and thoroughly considered the same, they are unanimously of opinion, That this backwardness of L--d G---- to engage, proceeded from want of personal

sonal courage, and do therefore unanimously agree, That he falls under the 23d Article of War, and as that article positively prescribes death, without any alternative left to the discretion of the court, under any variation of circumstances; the court do therefore unanimously; adjudge the said L--d G----- S----- to be shot to death, at such time as his Majesty shall think proper. But as they have always looked upon the above-mentioned Article of War, as much too severe, since it is not in the power of any man to alter his natural constitution, they do unanimously think it their duty, most earnestly to recommend him as an object of mercy.

THE

THE sentence being signed, the prisoner was sent for; and being brought into court by the Marshal, and the audience admitted, the sentence was pronounced.

TO THE EARL OF -----,

WE the underwitten, the president, and members of the court-martial, assembled for the trial of L--d G-----, believe it unnecessary to inform your Lordship, that in the whole course of this trial, we have done our utmost endeavours to come at truths, and to do the strictest justice to our country and the prisoner; but we cannot help laying our scruples before your Lordship upon this occasion, in finding our-

D 2

selves

selves under a necessity of condemning
 a man to death, from the unreasonable
 severity of the 23d Article of War,
 which, makes a man answerable for
 the natural defects of his constitution;
 and therefore, from fellow-feeling, as
 well as in justice to the prisoner, we
 pray your Lordship, in the most earnest
 manner, to recommend him to his
 M-----y's clemency,

WE ARE,

MY LORD, &c.

JOHN FAINTHEART, &c.

To

To this account of the proceedings of the court-martial, we shall subjoin a translation of two letters, one from the Duke of Broglio, and the other from the Marshal de Contades, with Voltaire's letter to L--d G-----, in which they were inclosed.

Aux Delices pros de Geneve.---

Sept. 2, 1759.

MY LORD,

THOUGH I have not the honour of knowing you, I think it my duty to send you the copy of two letters which I have just received, from the Duke of Broglio, and the Marshal de Contades; honour, humanity,

nity, and equity, order me to convey them to your hands. Such noble and unexpected testimonies, from persons of such rank and dignity, and of equal candour, will, no doubt, greatly contribute to remove that prejudice conceived against your conduct.

I have the Honour,

Of subscribing myself, &c. &c.

VOLTAIRE,

To the Honourable G----- S-----.

SIR,

I AM greatly concerned for L--d
G----- : I do assure you, whatever I have seen or heard of him, does him honour. He ought not to be censured
for

for requiring exact information, and not obeying, when obedience was impossible. For how could he at one and the same time, have obey'd contradictory orders? As no one can blame him for not doing what was impossible to be done, so no one, that is not a stranger to humanity, will refuse him the praise which he is so justly entitled to, for having mercifully declined pursuing a defeated enemy. Had he done so, many thousands of our men had been cut to pieces, without any advantage to the Allied Army, which had gained a compleat victory before. In fine, there can be no higher act of injustice, than what is now attempted against L-- G---- S-----; and all men of Honour, and all Gentlemen of the Army,

Army, are particularly interested in the event.

BROGLIO.

I received this letter from the Duke of Broglio, the 3d of August 1759 :

In witness whereof,

I have sign'd my name,

VOLTAIRE.

SIR,

EVEN an enemy must interest himself in the fate of a Nobleman unjustly persecuted, for a conduct, which appeared highly laudable to the Duke of Broglio and myself. The unhappy affair of a late Admiral, who is

now

now universally thought to have suffered unjustly, should make the people of England very cautious, how they proceed in an affair of the like nature. Their conduct, with respect to their Generals and Admirals, bears a strong resemblance to that of the Carthaginians, who, whenever they lost a battle, or a place of any strength, immediately crucified their General. Every body knows what was the catastrophe of that famous republic, which, I cannot but think, might be in some measure owing to that unjust and cruel treatment of their Commanders. Should the English continue to imitate the conduct of those rigid republicans, they may justly dread the same catastrophe. Where will they find an Admiral to command their Fleets, or a General to

subdue

E

head

head their Armies, if such of their Commanders as escape death in an engagement, are almost sure of meeting it in the most ignominious manner, upon their return to their country? The conduct of the Romans, with respect to their Generals, appears to me to have been much better judged, and it seems highly probable, that their conquering the Carthaginians, was in a great measure owing to this circumstance. 'Tis happy for France, that she has imitated them herein; her past and present glory, are the happy fruits of her generous treatment, of those that arm in her cause. She makes no General responsible, for events which no human prudence, can either foresee or prevent; and from which, no estimate can be form'd, concerning the
conduct

conduct of Commanders, since indiscretion, has been often productive of success, and the wisest measures, have sometimes given occasion to losses and defeats. The populace, indeed, always judge by events, and this confirms the observation of a Roman historian, "*Eventus stultorum magister est.*" The Marshal de Richlieu, justly observed to you upon occasion of the taking of Minorca, that had the English obstinately persisted to engage the French fleet, theirs would have been entirely lost.

YET, the populace of England, whose will you know, has a considerable influence in the government, was so dissatisfied with this prudent measure of the Admiral's, that it was

found necessary to sacrifice him, in order to appease them. Should what is intended against L----d G----- take place, it would be gratifying popular malice, by a sacrifice, still more cruel and unjust. It has been said indeed, that Prince Ferdinand was so far from being satisfied with the behaviour of L---d G-----, that he ordered it to be told to the M----s of G--n-y, that the victory would have been more compleat and brilliant, had he commanded the British cavalry. For my part, I don't see how the victory could be more compleat. This censure, appears evidently to flow from the Prince's pique against L--d G-----, which, you know, proceeded so far, as to make him exclude

clude his Lordship from the Council
of War.

I assure you, I know nothing concerning his Lordship, that is not capable of procuring him even the esteem of an enemy.

SIR,

I have the Honour,

Of being, &c.

CONTADES.

I received this letter from the Marshal de Contades, the 3d of August 1759, in witness whereof, I have signed my name,

VOLTAIRE.

F I N I S.

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ende his Lordship from the Council
of War

you, I know nothing con-
siderable Lordships that is not ca-
pable of procuring him even the esteem
of his enemy.

Sir,

I have the Honour

Of being, &c.

Yours

I received this letter from the Mar-
shal de Contades the 23rd of August
1750, in witness whereof I have signed
of my name.

Voltaire

F I N I S

